

REMARKS

This paper is submitted in response to the Final Office Action mailed on December 28, 2007. Claims 1, 19, 43, 51, and 55 have been amended and claims 4, 5, 30, 31, 48, 49, and 61 have been cancelled. Claims 1-3, 6-29, 32-47, 50-60, and 62-84 remain pending in the application. Applicant notes and appreciates the Examiner's indication of the allowability of claims 5, 13, 24, 31, 37-42, 49, 57-78, 80, and 83. In view of the foregoing amendments and following remarks, Applicant respectfully submits that this application is in complete condition for allowance. Further, Applicant requests that this Amendment be entered in that the claim amendments focus on the subject matter allowed and/or indicated to be allowable.

Claims 1, 2, 4, 6-11, 14, 15, 18-21, 23, 25-29, 32, 33, 36, 51, 54, 78, of which claims 1, 19, and 51 are independent, stand rejected under 35 U.S.C. § 102(b) as being anticipated by French Patent No. FR2761342A1 to Sylvie. Although Applicant respectfully disagrees, in order to advance prosecution of this case, Applicant has amended the independent claims to incorporate allowable subject matter therein as indicated by the Examiner in the Office Action.

In reference to independent claim 1, the subject matter of allowable claim 5 (and its intervening claim 4) has been incorporated therein. Accordingly, claims 4 and 5 have been cancelled. Thus, Applicant respectfully submits that independent claim 1 should be allowable. Moreover, claims 2, 4, 6-11, 14, 15, and 18 depend from independent claim 1 and thus should be allowable as well.

In reference to independent claim 19, the subject matter of allowable claim

31 (and its intervening claim 30) has been incorporated therein. Accordingly, claims 30 and 31 have been cancelled. Thus, Applicant respectfully submits that independent claim 19 should be allowable. Moreover, claims 20, 21, 23, 25-29, 32-33, and 36 depend from independent claim 19 and thus should be allowable as well.

In reference to independent claim 51, the claim has been amended in a manner similar to claim 1. More particularly, claim 51 now recites "a finger hole for initiating the tearing of the carton along the tear lines forming the dispenser opening, the finger hole being located opposite from the corner and at least in part in the bottom wall." This recitation is essentially a combination of terms recited in allowable claims 5 (and intervening claim 4) and 61. Thus, Applicant respectfully submits that independent claim 51 should be allowable. Moreover, claim 54 depends from independent claim 51 and thus should be allowable as well.

As noted above, claim 78 was rejected under 35 U.S.C. § 102(b) as being anticipated by Sylvie. Applicant notes that on the Office Action Summary, claim 78 was allowed. Since claim 78 depends from allowed independent claim 76, Applicant will assume that claim 78 inadvertently appeared as being rejected under this section.

Claims 3, 12, 16, 17, 22, 30, 34, 35, 43-48, 50, 52, 53, 55, 81 and 82, of which claims 43 and 55 are independent, stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sylvie in view of U.S. Patent No. 4,405,078 to Dutcher. Although Applicant respectfully disagrees, in order to advance prosecution of this case, Applicant has amended the independent claims to incorporate allowable subject matter therein as indicated by the Examiner in the Office Action.

In reference to claims 3, 12, 16, and 17, each of these claims depends from allowable independent claim 1 as discussed above. Accordingly, Applicant respectfully submits that these claims are allowable as well.

In reference to claims 22, 30, 34, and 35, each of these claims depends from allowable independent claim 19 as discussed above. Accordingly, Applicant respectfully submits that these claims are allowable as well.

In reference to independent claim 43, the subject matter of allowable claim 49 (and its intervening claim 48) has been incorporated therein. Accordingly, claims 48 and 49 have been cancelled. Thus, Applicant respectfully submits that independent claim 43 should be allowable. Moreover, claims 44-47, 50, and 81 depend from independent claim 43 and thus should be allowable as well.

In reference to claims 52, 53, and 82, each of these claims depends from allowable independent claim 51 as discussed above. Accordingly, Applicant respectfully submits that these claims are allowable as well.

In reference to independent claim 55, the subject matter of allowable claim 61 has been incorporated therein. Accordingly, claim 61 has been cancelled. Thus, Applicant respectfully submits that independent claim 55 should be allowable.

Conclusion

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this effect is earnestly solicited. If the Examiner believes any matter requires further discussion, the Examiner is respectfully invited to telephone the undersigned attorney so that the matter may be promptly resolved.

Applicant does not believe that any fees are due in connection with this response. However, if such petition is due or any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

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